

Appl. No.: 09/445,065

Amdt. dated 08/15/2005

Reply to Office action of May 18, 2005

REMARKS/ARGUMENTS

The amendments above and remarks below are in response to a final Office Action mailed on May 18, 2005 and an Interview with the Examiner conducted on August 12th, 2005. In the final Office Action, Claims 1, 3-6 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by SU 321,252 to Abolina ("Abolina"). The remaining Claims 2, 7, 8 and 11-20 were rejected under 35 U.S.C. §103(a) over Abolina in combination with U.S. Patents Nos. 5,599,283 to Lindenmeyer ("Lindenmeyer"); 5,383,844 to Munoz ("Munoz"); 4,550,869 to Johnson ("Johnson"); and 4,214,579 to Ford ("Ford").

During the Interview, Applicant's attorney pointed out that the strap 3 of Abolina is like a traditional sling passing upwards to the shoulder on the same side of the patient. The strap 3 of Abolina does not pass laterally behind and across the back of the patient to attach to an upper arm part of the patient as does the present invention recited in Claim 1. None of the remaining references, including Lindenmeyer, Munoz, Johnson and Ford appears to teach or suggest, alone or in combination, the invention as recited in Claim 1. The Examiner agreed and requested payment of the Request for Continued Examination so that a confirmatory search could be performed. The proposed amendments have been made to Claim 1 above and a Request for Continued Examination, and accompanying fee, has been filed herewith.

The rejection of Claim 1 under 35 U.S.C. §102(b) has therefore been overcome and Claim 1 should be allowable. The remaining Claims 2-8 and 10-20 depend from, and further patentably distinguish, allowable Claim 1. Therefore, the rejections of Claims 2-8 and 10-20 under 35 U.S.C. §§102(b) and 103(a) over combinations of Abolina, Lindenmeyer, Munoz, Ford and Johnson have also been overcome.

In view of the remarks and amendments presented above, it is respectfully submitted that Claims 1-8 and 10-20 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

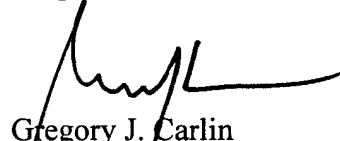
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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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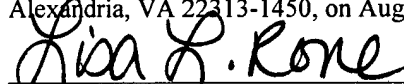
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 15, 2005



Lisa Rone

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